

**REMARKS**

Claims 1-14 have been examined and are presently pending in the application.

In paragraph 1 of the Office Action, the Abstract is objected to for form and legal phraseology. In response, the Abstract has been amended to be clear and concise.

In paragraphs 2-3 of the Office Action, claims 1-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,486,634 (Itoh). The Examiner's rejection on this ground is respectfully traversed.

Among the limitations of independent claim 1 that neither disclosed nor suggested in the art of record is the requirement for a receiver that comprises "control channel error detecting means for detecting an error of a controlled channel" and that "said transmitter comprises . . . transmission power control means for controlling a transmission power ratio of the control channel to a data channel in accordance with a control channel error detection result notified from said receiver and the modulation mode and encoding rate."

Among the limitations of independent claim 5 that are neither disclosed nor suggested in the art of record is a requirement for a "transmission power control means for control means for controlling a transmission power ratio of a control channel to a data channel in accordance with a control channel error detection result notified from said receiver and the modulation mode and encoding rate."

Among the limitations of independent claim 9 that are neither disclosed nor suggested in the art of record is a requirement for "detecting a control channel error in said receiver" and "controlling, in said transmitter, a transmission power ratio of a control channel to a data channel in accordance with a control channel error detection result notified from said receiver and the modulation mode and encoding rate."

Among the limitations of independent claim 13 that are neither disclosed nor suggested in the art of record is a requirement for “controlling a transmission power ratio of a control channel to a data channel in accordance with a control channel error detection result notified from said receiver and the modulation mode and encoding rate.”

Itoh fails to disclose a receiver that determines the error rate of a control channel and controlling a transmission power ratio of the control channel to a data channel in accordance with the control channel error rate, and modulation mode and encoding rate as required by the independent claims. Itoh discloses determining the error rate of a data channel, not a control channel error rate. *See e.g.*, col. 2., ll. 14-18: “If the terminal detects any error in the *received data* after carrying out the error correction, the terminal transmits a re-transmission request, while if the terminal can accurately receive the data, the terminal transmits a new data transmission request to the base station.” Itoh, Fig. 6 illustrates the receiver described in its specification. Notably, while there is a error detecting unit 40 for detecting the error in the data channel, there is only a control channel receive signal quality estimating unit 33 that reports the signal quality of the control channel (*i.e.*, the signal to noise ratio), but no error detecting unit for the control channel received by the receiver. Without such disclosure, Itoh cannot anticipate the claimed “control channel error detecting means for detecting the error of a control channel,” required by claim 1, nor “detecting a control channel error in said receiver,” as required by claim 9. Further, without detecting the error in the control channel, Itoh cannot anticipate independent claims 1, 5, 9 and 13, which all require “controlling a transmission power ratio of the control channel to a data channel in accordance with a control channel error detection result notified from said receiver.”

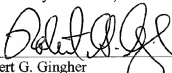
In the absence of any teachings or suggestions of these aspects of the claimed invention, independent claims 1, 5, 9 and 13 are believed to be in condition for allowance.

Claims 2-4, 6-8, 10-12 and 14 depend from independent claims 1, 5, 9 and 13 and incorporate by reference all the limitations found therein and therefore are likewise allowable for the same reasons expressed above. These claims include further limitations, which, in combination with the limitations incorporated by reference are neither disclosed nor suggested in the art of record, and are therefore allowable for this additional reason.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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